

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CASE NO.: 09-CR-00045-DMC

UNITED STATES OF AMERICA

vs.

MICHAEL BRASSINGTON,

Defendant.

DEFENDANT'S LEGAL AND FACTUAL OBJECTIONS TO
THE PRESENTENCE INVESTIGATION REPORT

The Defendant, Michael Brassington, by and through his undersigned counsel, hereby files his legal and factual objections to the Presentence Investigation Report as follows, prepared by Albert Flores, and in support thereof would show as follows:

LEGAL OBJECTIONS

1. The Presentence Report includes a 22 level increase pursuant to U.S.S.G. § 2B1.1(b)(1)(L) based on the allegation that the offense involved a loss of more than \$20,000,000, but not more than \$50,000,000.

2. The loss figure was calculated by the U.S. Probation Office as follows:

a) \$3,593,473.20 – illicit income received by Platinum Jet during the pre-Darby phase.

b) \$600,516.00 – revenue generated from illegal 135 flights in the post-Darby phase.

c) \$200,000.00 – revenue from illegal weight and balance flights in the post-Darby phase.

d) \$20,437,094.28 – insurance claims paid by Global Aerospace as a result of the February 2, 2005, crash.

e) \$10,885,051.00 – insurance claims paid by the insurance company for A&E Stores.

f) \$4,741,289.00 – unreimbursed loss and damages to A & E Stores.

3. The defense objects to the inclusion of the \$3,593,473.20 alleged as a loss during the pre-Darby phase. The loss is calculated as the total income received by Platinum Jet during this time and fails to distinguish between income generated by the company for flights as compared to other income (services unrelated to any charged offense or flight), and, most importantly, fails to reduce any loss by the value of services rendered.

The Presentence Investigation Report fails to, and claims the Defendant is not entitled to, reduce any loss amount by the value of services rendered pursuant to Application Note 3(F)(v), which states “[i]n a case involving a scheme in which services were fraudulently rendered to the victim by persons falsely posing as licensed professionals, ... loss shall include the amount paid for the ... services, ... with no credit provided for the value of those ... services.”

The Presentence Investigation Report fails to properly apply that application note to the facts of this case. The cases which apply that Application Note are cases in which a defendant claimed to be an attorney and had never attended law school, U.S. v. Kieffer, 621 F. 3d 825 (8th Cir. 2010); defendant pretended to be a doctor, U.S. . Curran, 525 F. 3d 74 (1st Cir. 2008); defendant pretended to be a health care provider, U.S. v. Ary-Berry, 2011 WL 1758738 (5th Cir. 2011); defendant pretended to be a dentist, U.S. v. Aronowitz, 151 Fed. Appx. 193 (3rd Cir. 2005); or defendant pretended to be a nurse, U.S. v. Hunter, 618 F. 3d 1062 (9th Cir. 2010).

Those cases and the Application Note does not apply to this case as the Defendant and others were licensed pilots and no one pretended to be a licensed professional.

4. Excluding Application Note 3(F)(v), the PSI calculations must credit the loss against the value of services provided pursuant to Section 2B 1.1. Section 2B1.1., Application Note 3E, states:

“[l]oss shall be reduced by the fair market value of the property returned and the services rendered, by the defendant or other persons acting jointly with the defendant, to the victim before the offense was detected.”

5. Any money paid by customers for flight services by Platinum Jet in the pre-Darby phase received exactly what they had negotiated for. They each received flights to and/or from their required destinations. Thus, any loss that can be determined in the pre-Darby phase must be offset by the exact amount of services received and any loss must be zero. U.S. v. Anders, 333 Fed. Appx. 950 (6th Cir. 2009).

6. The defense objects to the inclusion of a \$600,516.00 loss as revenue generated from illegal 135 flights in the post-Darby phase.

7. The Presentence Investigation Report again fails to offset, pursuant to 2B1.1. Application Note 3E, any revenue from the fair market value of services rendered.

8. As each passenger received the exact transportation negotiated for. The loss amount from any illegal 135 Flight, post-Darby, must be zero. Id.

9. The defense objects to the inclusion of \$200,000.00 loss calculated as revenue generated from alleged illegal weight and balance flights in the post-Darby phase.

Besides the fact that the Defendant was found not guilty of any illegal weight and balance flight, any revenue generated from the flights must be offset by the services provided

pursuant to 2B1.1., Application Note 3E. As every passenger received exactly what they negotiated for, the loss must be zero. Id.

10. The defense objects to the inclusion of any of the payments made by Global Aerospace Insurance, any other insurance company, or any unreimbursed monetary amount as a result of the February 2, 2005, accident. The defense has always maintained that the accident was a result of mechanical failure. The statements of the pilot, John Kimberling and the testimony of the co-pilot, Carlos Salaverria, are consistent with the fact that the plane suffered mechanical failure, as they both describe the yoke being frozen.¹ The black box printout confirmed that the elevator was in fact frozen, a fact the Government's expert never addressed nor explained. A copy of the black box printout is attached hereto as Exhibit A.

It was testified at trial that at take off the temperature was below the freezing mark and that there was moisture (snow) on the ground. It was admitted by co-pilot, Carlos Salaverria, that the Challenger flight manual **required him to use the de-icing system, which was not activated**. Attached hereto as Exhibit B is that portion of Carlos Salaverria's testimony. If it is determined by the Court that the plane's failure to rotate was caused by the crew's failure to follow required protocol and not use the de-icing system², then the statement of Defendant, Michael Brassington, to Carlos Salaverria regarding the BOW of 370V is not the cause in fact or proximate cause of the accident. If there is no cause in fact or proximate cause between the Defendant's statement and the accident, no monetary loss as a result of the accident can be included and used to increase the base level offense. United States v. Spinney, 795 F. 2d 1410 (9th Cir. 1986).

¹ Which would not have occurred if the plane failed to rotate because of a forward center of gravity issue.

² Which certainly explains and is consistent with the black box printout and the testimony of Carlos Salaverria and statement of John Kimberling.

In order for the offense level to be increased based on an increased loss amount, it must be established that the Defendant's conduct was the legal or proximate cause of the resulting loss. A basic tenet of criminal law is that the Government must prove that the defendant's conduct was the legal or proximate cause of the resulting injury. *Id.* Causation in criminal law has two requirements: Cause in fact and proximate cause. W. LaFare and A. Scott, Criminal Law § 35 (1972); C. Torcia, Wharton's Criminal Law § 26 (14th Ed. 1978); R. Perkins & R. Boyce, Criminal Law 774 (3d Ed. 1982). Cause in fact, or what is commonly known as "but for" causation, is always a necessary condition of causation, but is insufficient in itself. U.S. v. Rothwell, 387 F. 3d 579 (9th Cir. 2004). *See also* U.S. v. Marlatt, 24 F. 3d 1005 (7th Cir. 2004). The second question and usually the ultimate one is whether the cause in fact is legally sufficient (proximate cause) "to warrant imposing liability upon the actor." Rothwell at 583, citing Farwell v. Un, 902 F. 2d 282 (4th Cir. 1990).

The defense would submit that the facts as presented at trial, the crew's failure to de-ice and resulting mechanical failure, fails to establish a cause in fact and/or proximate cause between Michael Brassington's statement to Carlos Salaverria regarding the BOW of 370V and the resulting February 2, 2005, accident. Accordingly, no increase in the base level offense can be included as a result of insurance payments or damages from the accident.

Even if the Court were to determine that mechanical failure was not the cause of the plane's failure to rotate and that it was a center of gravity problem, the defense maintains the same position, that there is still no cause in fact or proximate cause between the Defendant's statement and the plane's failure to rotate. That position is maintained because under the best case scenario for the Government, Michael Brassington told Carlos Salaverria that the plane's BOW was 700-1000 pounds lighter than it was. That statement could cause and reasonably

expect one to increase fuel upward by 700-1000 pounds, while still remaining inside the envelope. That did not happen. The plane, for whatever reason, was over fueled in excess of 3,000 pounds,³ when one starts from the lower BOW and C.G. point. A copy of the Graph calculated by the FAA is attached hereto as Exhibit C. A copy of the same Graph, starting at the lower BOW and C.G., is attached hereto as Exhibit D. That act, the act of over fueling the plane to that level, by pilot, John Kimberling, and co-pilot, Carlos Salaverria, was an intervening cause. An intervening cause is an unforeseeable act of a third party. Touche Ross & Co. v. Commercial Union Ins. Co., 514 So. 2d 314 (Miss. 1987). *See also* Restatement (Second) of Torts, § 448.

An intervening cause breaks the chain between one's conduct and the resulting injury. U.S. v. BP Products North America, Inc., 610 F. Supp. 2d 655 (S.D. Tex., 2009). Stated differently, the proximate cause between the conduct and injury is eliminated. With no proximate cause between the Defendant's statement and the plane's failure to rotate, there can be no increase in the offense level based on insurance payments or losses resulting from the accident. United States v. Rutkoske, 506 F. 3d 170 (2nd Cir. 2007); United States v. Olis, 429 F. 3d 540 (5th Cir. 2005). Losses from causes other than the criminal conduct must be excluded from the loss calculation *Id.* (quoting United States v. Ebberts, 458 F. 3d 110 (2d Cir. 2006). It cannot be said that the crew's loading of that much fuel, disregarding passengers and other factors, was a foreseeable event. Defendant, Michael Brassington, never told co-pilot, Carlos Salaverria, how much fuel to upload. Michael Brassington never instructed co-pilot, Carlos Salaverria, to load max fuel. Michael Brassington never instructed Carlos Salaverria to load full

³ The plane would have been over fueled some 3,300 pounds, when starting from the preprinted BOW.

fuel. Michael Brassington never instructed Carlos Salaverria to be outside the envelope. A copy of Carlos Salaverria's testimony as to each of the above is attached hereto as Exhibit E.

The fact that the Defendant was found guilty of endangering an aircraft is not conclusive that the accident was the legal or proximate cause of his conduct. It was argued by the Government that even if there was no crash, the Defendant was still guilty of endangering an aircraft. The Government argued that it was Michael Brassington's statement regarding the weight and balance of the aircraft (370V) to co-pilot, Carlos Salaverria, in and of itself, that made him guilty of endangering the aircraft. That argument allowed the jury to reach a verdict that the Defendant was guilty of endangering an aircraft, simultaneously while concluding that the crash was a result of a mechanical failure.

Though a sentencing Court need only make a reasonable estimate of the loss to enhance the offense level under 2B1.1, that determination is only after it is concluded that cause in fact and proximate cause exists between the loss and the Defendant's conduct. United States v. Parish, 565 F. 3d 528 (8th Cir. 2009). That factual determination has not been made in this case. The defense would maintain that the jury actually concluded otherwise as a result of their finding the Defendant not guilty of each of the 15 falsified weight and balance charges.

Accordingly, the Defendant objects to the inclusion of any loss based on the accident of February 2, 2005, which, according to the PSI, includes insurance company payouts and unreimbursed damage as a result of the accident.

11. The defense objects to the inclusion of a 6 level increase for having more than 750 victims. A victim is defined under the application notes definitions as (A) any person who sustained any part of the actual loss determined under subsection (b)(1) or (B) any individual who sustained bodily injury as a result of the offense.

Not all passengers are victims. No passenger, apart and from the accident flight, suffered any economic loss, based on credit for fair market value of the services rendered, or suffered any physical harm, as they all reached their destinations safely. None of those passengers can be considered victims. Just as the loss is reduced by the fair market value of services rendered, the passengers who suffered no economic or physical harm must be eliminated from the category of “victim.” U.S. v. Yagar, 404 F.3d 967 (6th Cir. 2005). See, e.g. U.S. v. Lewis, 88 Fed. Appx. 898 (6th Cir. 2004) (concluding that evidence was not sufficient to support an enhancement based on the number of victims where the court has “no way of knowing” whether the alleged victims actually suffered pecuniary harm.) Any Platinum Jet passenger who arrived at their destination suffered no pecuniary or physical harm and should not be counted as a victim.

Because it has not been determined that any legal causation exists between the Defendant’s conduct and the accident flight, the defense would object to the inclusion of any of those passengers or crew members as “victims.” Accordingly, there should be no offense level increase for additional victims.

12. The PSI has a 2 level increase pursuant to U.S.S.G. 3B1.3 for abuse of a position of public trust. The Defendant had no special, close or personal attachment or fiduciary relationship with any passenger or person the Government claims is a victim. Ordinary commercial relationships do not justify the abuse of trust enhancement. “A position of trust must involve more than a contractual or arm’s length commercial relationship.” U.S. v. Dinnall, 313 Fed. Appx. 241 (11th Cir. 2009). A contractual relationship was all that existed between Platinum Jet and their customers. As it relates to the conspiracy count in which the defendant was found to have defrauded the FAA: No position of trust exists or existed between Platinum

Jet or Michael Brassington and the FAA to justify an abuse of public or private trust. Accordingly, the defense objects to the inclusion of a 2 level offense enhancement for abuse of a public or private trust.

13. The PSI also includes a 2 level increase pursuant to U.S.S.G. 3C1, 1(A) for obstructive behavior based on the accident report filled out by the Defendant and him checking the box that the flight was a Part 91 flight.

Application Note 4(G) defines what type of conduct is included and states, “providing a materially false statement to a law enforcement officer that significantly obstructed or impeded the official investigation or prosecution of the instance offense.” The 2 level increase is improper where a defendant’s conduct does not significantly impede the investigation. U.S. v. Morales, 609 F.3d 637 (5th Cir. 2010).

The defense maintains that the 2 level increase is inappropriate in light of the Defendant telling investigators that the accident flight was supposed to be a part 135 flight prior to the accident report being filled out. It cannot be said that the box checked on the accident report significantly obstructed or impeded the official investigation, in light of the fact that the investigators were previously informed about the type of flight.

FACTUAL OBJECTIONS

14. Paragraph 35 of the Presentence Report states “it was further determined that Platinum Jet had over-fueled, or “tankered, its aircraft with cheap fuel and falsified FAA – required weight and balance graphs to hide the resulting dangerous configurations on commercial flights.” The defense objects to the above language as the Defendant was found not guilty of making false statements on any of the weight and balance graphs. It was evident from the testimony of Noel Blevins and the Notice of Intent to Add Aircraft form that the August 20,

2002, 60S weighing document was placed into N370V. Noel Blevins testified at trial that he realized a mistake had been made and only recently realized it.

15. The Defense objects to paragraph 36 which states “they started to contend the jet N370V had been refurbished and re-weighted since the date evidenced on the most recent weight and balance report stored in the aircraft and that jet 370V’s Basic Operating Weight was in fact approximately 24,700 pounds as shown on the fraudulently altered weight and balance graphs, instead of the 25, 650 pounds shown on the report in the aircraft.” Noel Blevins is the one who filled out the Notice of Intent to Add Aircraft paperwork. After conducting his investigation and inspection of the plane and all documents contained within, he listed the last weighing of N370V as having taken place on August 20, 2002.⁴ The weight of the plane during that weighing was 24,734 pounds. If Noel Blevins was mistaken when filling out the FAA required documents and the FAA approved the plane (370V) on the mistaken information, it is certainly conceivable that Platinum Jet, their management, and pilots were equally mistaken. Clearly, the jury believed that it was a mistake and that no false statements were made as they found the Defendant not guilty of making false statements as it relates to all the weight and balance charges. A copy of the Notice of Intent to Add Aircraft and the 60S weight and balance report of August 20, 2002, is attached hereto as Exhibit F.

16. The Defense objects to paragraphs 59-70 and 83 which include language and makes reference to a “tankering” scheme. This alleged “tankering” scheme was the story as created by the government during trial to explain or justify the allegation of the changed Basic Operating Weight, as compared to admitting an honest error or mistake. The “tankering” scheme as alleged by the Government was not proven. To the contrary, it was shown at trial to have no

⁴ Refer to page 3-1, Section 3.1.5.

economic validity, as it would save one hundred and sixty dollars on flights traveling from a place like Teterboro where Platinum Jet did have a reduced fuel price contract. The problem was that the reduced Basic Operating Weight was even recorded on flights traveling to Teterboro. Why would Platinum Jet want to reduce the Basic Operating Weight and carry more fuel to a location where they had a reduced fuel price contract?

17. The Defense objects to the language in paragraph 72 which refers to a “phantom” weight and balance report. Although, 370V was never reweighed after September 2, 2001, it is clear that a weight and balance report which was believed to be a more current weight and balance report was in the plane. This is established from the date filled in by Noel Blevins on the Notice of Intent to Add Aircraft and the August 20, 2002, weight and balance report of 60S which does not list a specific plane or serial number. Those items establish that it was the August 20, 2002, weight and balance report for 60S that led people to believe that 370V was reweighed and had a lighter Basic Operating Weight. A copy of the February 23, 2005, letter documenting that everybody thought 370V was reweighed August 20, 2002, is attached hereto as Exhibit G. The fact that N60S was reweighed one year earlier than necessary supports this mistake.⁵

18. The Defense objects to the factual statement in paragraph 20 that Michael Brassington oversaw all flight operations and that he was primarily responsible both for maintaining accurate records required by the Federal Aviation Administration (“FAA”) on behalf of Platinum Jet Charter flights.

⁵ 60S was reweighed in October of 2004, only 26 months after being weighed on August 20, 2002. If Platinum Jet were trying to save money and delay weighing planes, why would they take 60S out of service, pay to have it reweighed in 2004 when it was weighed just 26 months prior? Could it be that they never knew it was weighed in August, 2002, because that paperwork ended up in the wrong plane? A copy of the October 15, 2004, Weight and Balance Report for 60S is attached hereto as Exhibit H.

Pursuant to the FAR (Part 135), Darby Aviation as the Certificate holder of the Part 135 certificate, was the party responsible for maintaining accurate records required by the FAA. Additionally, Darby Aviation was the party that hired and trained pilots. For any Part 91 flight, it was the pilot in command (FAR 91.3) that is responsible for all aspects of that flight, including paperwork required by the FAA.

19. The Defense objects to the factual statement that the Defendant and others tried and failed to get jet N60S on to two different part 135 charter certificates.

The second charter company, Millionair, was rejected by Platinum Jet based on the requested fees to piggyback on their certificate. It had nothing to do with Platinum Jet failing.

20. The Defense objects to paragraph 60 which states “Jet fuel is by far the biggest expense of a charter operation, and Michael Brassington’s money-saving policy went to the extreme of requiring full fuel tanks even if that excess fuel cause the aircrafts to exceed their maximum forward COG limits.”

Jet fuel is not by far the biggest expense of a charter operation. The purchase or lease of the aircraft and the cost of the maintenance of the planes are the largest expense. Additionally, there was much testimony that what was said was max fuel and not full fuel and the significant technical difference between the two statements. Take the crash flight as an example, the testimony was extremely clear that Michael Brassington had nothing to do with determining or instructing the pilot or co-pilot as to how much fuel should be uploaded onto the aircraft. Those decisions were and always were the pilot in command’s responsibility.

21. The defense objects to paragraph 70 which states “Carlos Salaverria took Michael Brassington at his word and flew jet 370V on several occasions believing it weighed

substantially less than it did. This pattern of dangerous flying ultimately resulted in the crash at Teterboro Airport on February 2, 2005.”

There was no finding of fact by the Jury that the crash was a result of the statement of Michael Brassington to Carlos Salaverria, regarding the Basic Operating Weight of N370V. There was an equal amount of credible testimony and evidence that the plane failed to rotate due to mechanical failure. Besides the physical evidence of the black box printout showing the elevators inability to move during takeoff. The testimony and statement of both the pilot, John Kimberling, and co-pilot Carlos Salaverria, that the yoke was frozen, is proof of mechanical failure.

22. The Defense objects to paragraph 71 which states that Michael Brassington tried to cover up the fact that the crash flight was a part 135 flight when it was flown as a part 91, by the way of the accident report was filled out by Michael Brassington.

The Defense maintains that it is impossible to cover something up when one admits the truth about the disputed fact. It is undisputed that days before the accident report was filed or filled out by Michael Brassington he informed all governmental agencies present that the flight was a part 135 flight.

23. The Defense would object to paragraph 76 which states that Michael Brassington made misrepresentations to the insurance companies.

Michael Brassington told the insurance company that they were going to conduct part 91 and 135 flights and gave proposed percentages of the flights. Michael Brassington was never asked for a copy of a 135 certificate nor did he ever produce a fraudulent one. There were no misrepresentations by Michael Brassington to any insurance company.

24. The Defense objects to paragraph 79 which states Michael Brassington was involved in the dispatching of ill-qualified or unrested pilots.

There was no testimony or evidence that Michael Brassington ever dispatched any pilot, ill-qualified or unrested to any flight.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished, via by electronic transmission via CM/ECF, to SCOTT MCBRIDE, Assistant United States Attorney, Office of the United States Attorney, 970 Broad Street, Suite 700, Newark, New Jersey 07101, this 29th day of June, 2011.

Respectfully submitted:

LAW OFFICES OF SALNICK, FUCHS & BERTISCH, P.A.
One Clearlake Centre, Suite 1203
250 South Australian Avenue
West Palm Beach, Florida 33401
Telephone: (561) 471-1000
Facsimile: (561) 659-0793

/s/ Michael Salnick

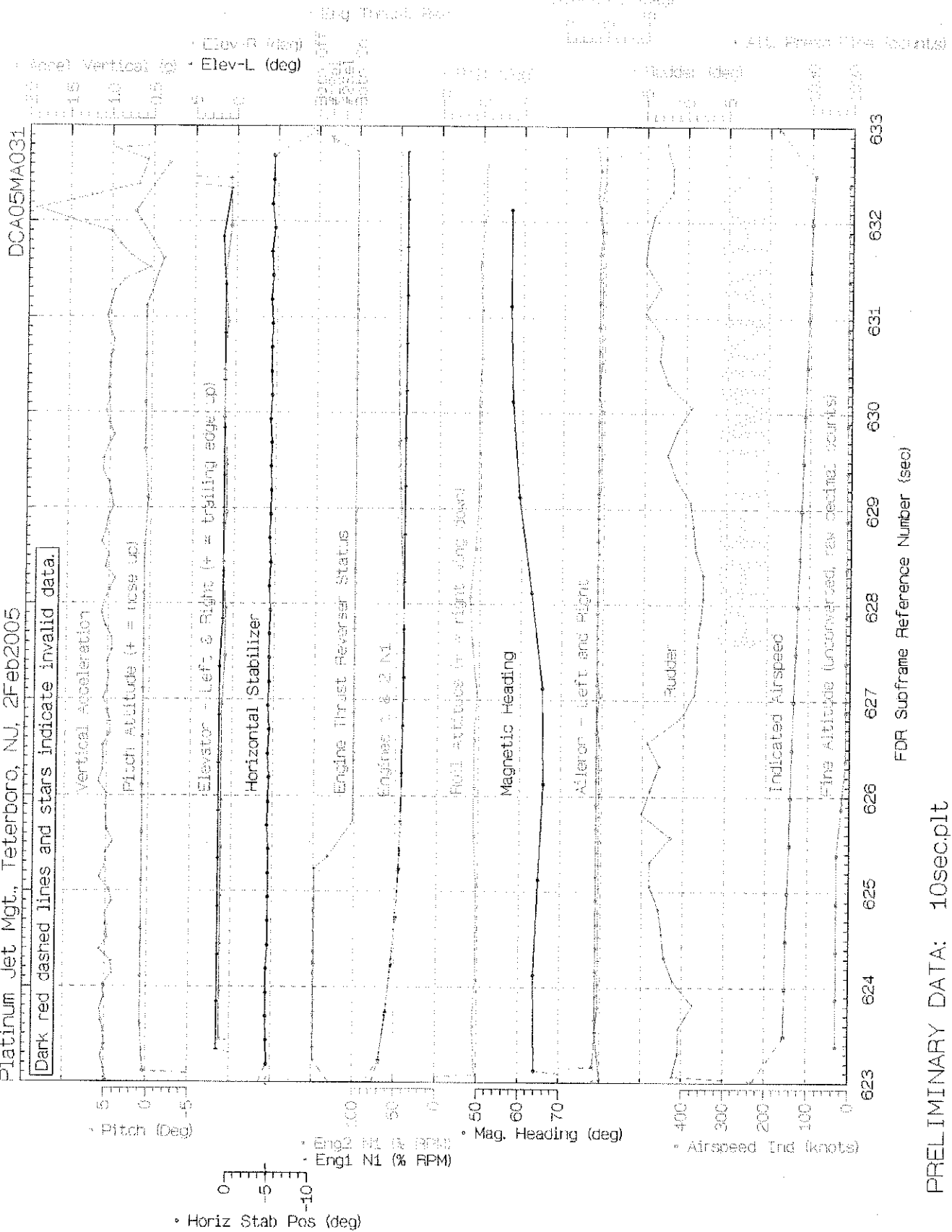
MICHAEL SALNICK, Fla. Bar #270962
New York Bar # 2007045

Attachments

Exhibit A

CL600, N370V

Platinum Jet Mgt., Teterboro, NJ, 2Feb2005



PRELIMINARY DATA: 10sec.plt
 Revised: February 10, 2005

National Transportation Safety Board

Exhibit B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No.
09-cr-45-DMC-1,2, & 5

v. :

MICHAEL BRASSINGTON, : TRANSCRIPT OF
PAUL BRASSINGTON, and : TRIAL TESTIMONY OF
BRIEN MCKENZIE, : CARLOS SALAVERRIA

VOLUME 2

Defendants. :

-----x

Newark, New Jersey
November 1, 2010

BEFORE:

THE HON. DENNIS M. CAVANAUGH, U.S.D.J.

Reported by
CHARLES P. MCGUIRE, C.S.R.
Official Court Reporter

Pursuant to Section 753, Title 28, United States
Code, the following transcript is certified to be
an accurate record as taken stenographically in
the above entitled proceedings.

s/CHARLES P. MCGUIRE, C.S.R.

CHARLES P. MCGUIRE, C.S.R.

1 A. They were going to get late -- they were going to be
2 late. They weren't able to do the next trip.

3 Q. Is that the basis of your understanding as to why
4 there was a duty rest issue?

5 A. Yes.

6 MR. McBRIDE: That's all I have, Your Honor.

7 THE COURT: Mr. Salnick?

8 RECROSS EXAMINATION

9 BY MR. SALNICK:

10 Q. I just want to ask you one thing that was touched on.

11 MR. SALNICK: Judge, I'm asking a little latitude
12 for this. This is --

13 THE COURT: The word there is "little."

14 (Laughter)

15 MR. SALNICK: Little, with a capital L.

16 Q. You said that you never used the de-icing on the
17 plane; is that correct?

18 A. Yes.

19 Q. Or the wings?

20 A. Yes.

21 Q. Or the engines; is that correct?

22 A. Yes.

23 Q. And there was snow on the ground that day; correct?

24 A. Not too much.

25 Q. Not too much, but there was snow, wasn't there?

1 A. Yes.

2 Q. And the temperature that day was minus eight Celsius,
3 wasn't it?

4 A. Yes.

5 Q. And are you aware that according to the Challenger
6 manager that a pilot has to use de-icing if there is snow on
7 the ground and the temperature is below five degrees
8 Celsius?

9 A. Yes.

10 Q. But you didn't use it.

11 A. No.

12 Q. Okay.

13 A. There was no -- no, we didn't use it.

14 MR. SALNICK: All right. Thank you, sir.

15 THE COURT: Mr. Reinhart?

16 MR. REINHART: Yes, Your Honor.

17 RECROSS EXAMINATION

18 BY MR. REINHART:

19 Q. Mr. Salaverria, you were asked in the grand jury about
20 the crash flight, quote, question by Mr. McBride:

21 "And this was classified as a Part 91 flight."

22 And you answered "Yes."

23 Do you remember that?

24 A. What did you say?

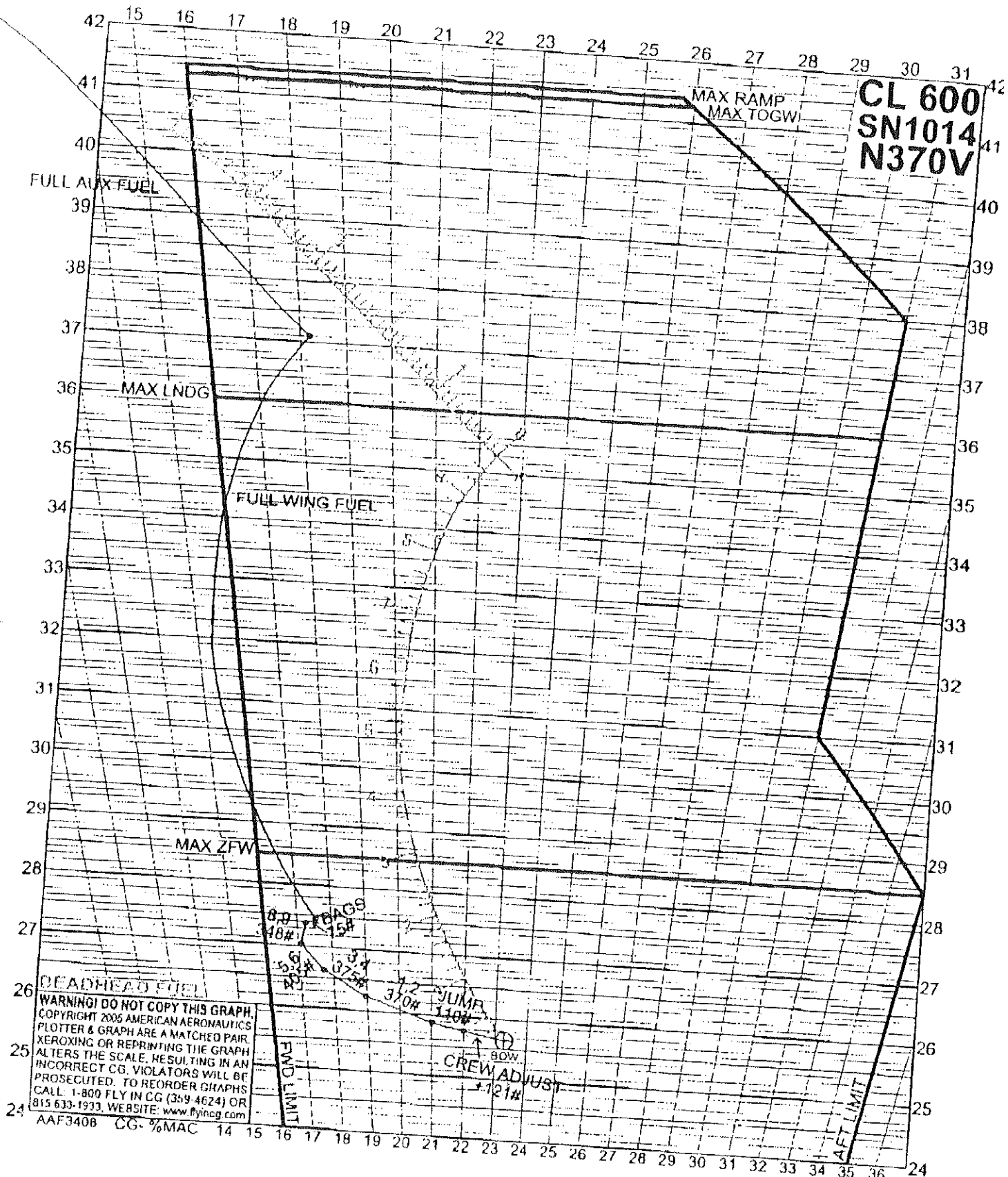
25 Q. You didn't remember being asked in the grand jury by

Exhibit C

ATTN: KEN SYMONS

REV. 6-33-1988

P. 01



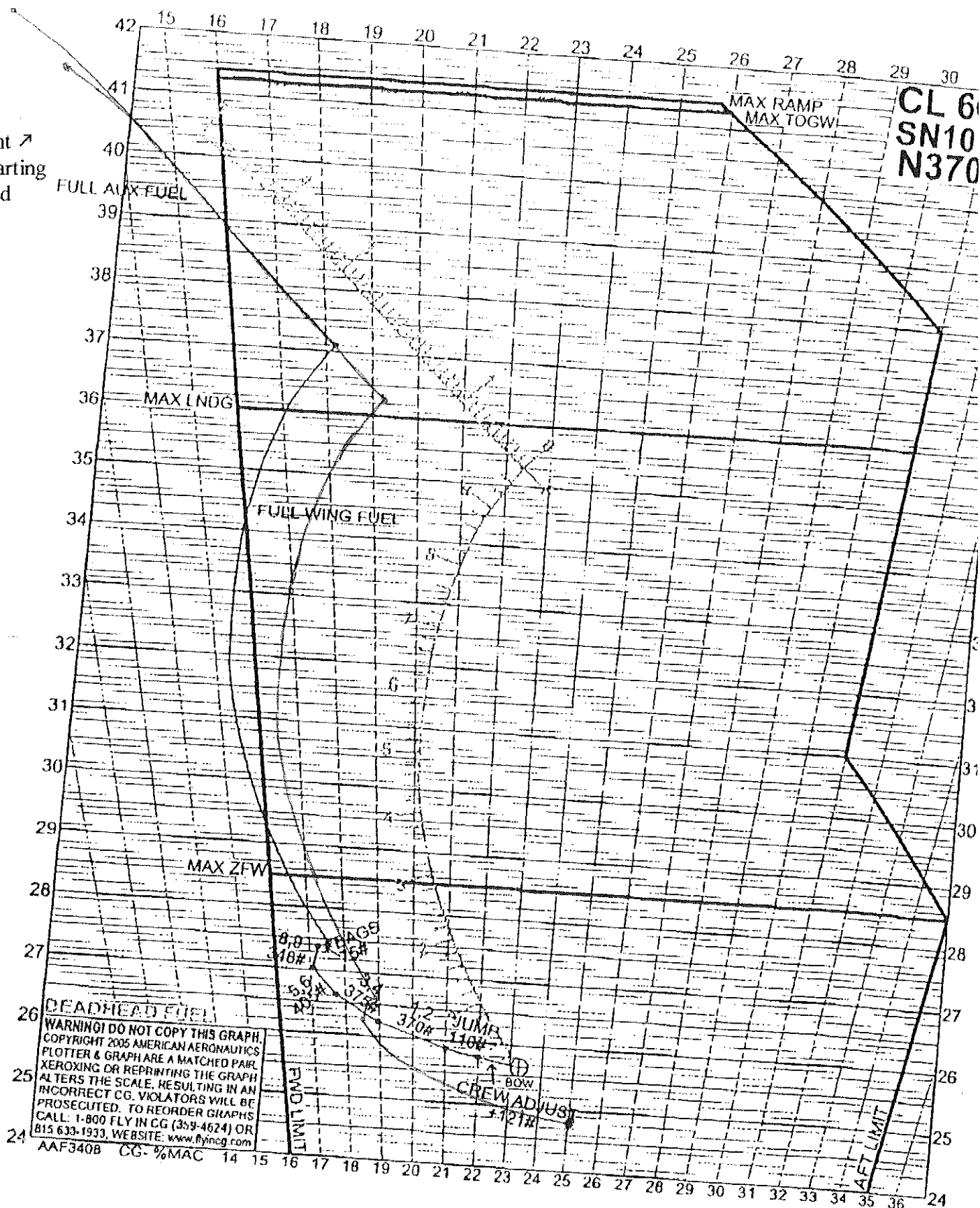
Bow 25647.15

1-20

Exhibit D

CAPT. KEN SYMONS

End weight ↗
& C.G. starting
at Adjusted
BOW.



Bow 25647.15

Exhibit E

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No.
09-cr-45-DMC-1,2, & 5
v. :
MICHAEL BRASSINGTON, : TRANSCRIPT OF
PAUL BRASSINGTON, and : TRIAL TESTIMONY OF
BRIEN MCKENZIE, : CARLOS SALAVERRIA
: VOLUME 2
Defendants. :
-----x

Newark, New Jersey
November 1, 2010

BEFORE:

THE HON. DENNIS M. CAVANAUGH, U.S.D.J.

Reported by
CHARLES P. MCGUIRE, C.S.R.
Official Court Reporter

Pursuant to Section 753, Title 28, United States
Code, the following transcript is certified to be
an accurate record as taken stenographically in
the above entitled proceedings.

s/CHARLES P. MCGUIRE, C.S.R.

CHARLES P. MCGUIRE, C.S.R.
OFFICIAL COURT REPORTER

1 with a crime, are you?

2 A. No.

3 Q. And for all those times that you say you flew with bad
4 information to the FAA, you're not being charged with a
5 crime, are you?

6 A. No.

7 MR. SALNICK: Can I have a moment, please, Judge?

8 THE COURT: Yes.

9 Q. Just a couple other things.

10 You said that in November of 2004, I think you
11 indicated that Michael Brassington said that the weight was
12 twenty-four-seven; is that correct?

13 A. Correct.

14 Q. And on the flight that had the accident, however, you
15 used 25,000 as your basic operating weight, didn't you?

16 A. Yes.

17 Q. And Mr. Brassington never told you to load max fuel,
18 did he?

19 A. That what?

20 Q. Mr. Brassington never told you to load the maximum
21 amount of fuel, did he? Michael Brassington.

22 A. No.

23 Q. And Michael Brassington never told you to load what
24 they sometimes referred to as full fuel; he had nothing to
25 do with it, did he?

1 A. No.

2 Q. And Mr. Brassington never told you to go outside the
3 envelope, did he?

4 A. No.

5 Q. Whatever you did was based upon that day what John
6 Kimberling told you; correct?

7 A. Yes.

8 Q. Now, and that's where you loaded the thirteen-nine of
9 fuel; is that right?

10 A. That's right.

11 Q. Now, you had had already 1,800 pounds of fuel on board
12 when you arrived; is that correct?

13 A. That's correct.

14 Q. Now, in your deposition, I think you said you had
15 1,500 pounds of fuel; is that correct?

16 A. Yes.

17 Q. Okay. You remember that?

18 A. I remember that.

19 Q. Are you indicating that you were mistaken in your
20 deposition?

21 A. Yes.

22 Q. And then today, you said that after fueling, the total
23 was fourteen-two.

24 A. That's correct.

25 Q. Is that right?

Exhibit F

NOTE: These forms are designed for on-screen fill-in. To navigate through the forms use TAB (down) and Shift-Tab (up). Use the page up/down and the mouse to skip large areas.

SECTION 1 NOTICE OF INTENT TO ADD AN AIRCRAFT

☐ Check if this is an UPDATE/REVISION

1.1 OPERATOR AND AIRCRAFT INFORMATION	Operator Name		AlphaJet International		Certificate Number		YDBA		
	Aircraft Make/Model		Challenger		Serial Number		CL 600-1A11		
	Aircraft Registration		1014		N Number		N 370 V		
	Aircraft Weight		6437 Hrs		4010 Cycles		5123 Hrs		
	Aircraft Weight		3480 Hrs		Hrs		Hrs		
	Registered Owner (see NOTE below)		448 Alliance Corp.						
Address		30 on The Green Dover DE 19901							
City				State		ZIP		-	

NOTE: If the aircraft owner's registered name is not exactly the same as the certificate holder's legal name the applicant must show how she or he will control the operation and maintenance of the aircraft. Show this by providing a copy of a lease or other agreement.

1.2 DOCUMENTS REQUIRED AT SUBMISSION OF THIS NOTICE See Section 2 for indications of the need for new or revised Procedures Manuals and Training Programs	<input checked="" type="checkbox"/> Document included	Not Applicable	<input checked="" type="checkbox"/> Document included	Not Applicable
	<input checked="" type="checkbox"/> Minimum Equipment List/revision	<input type="checkbox"/>	<input type="checkbox"/> Approved Aircraft Inspection Program (Turbine Powered Aircraft)	<input type="checkbox"/>
	<input checked="" type="checkbox"/> Maintenance Program/Revision	<input type="checkbox"/>	<input type="checkbox"/> Other (list)	<input type="checkbox"/>
	<input type="checkbox"/> Copy of aircraft lease, letter of intent, or other agreement (see NOTE above)	<input type="checkbox"/>	<input checked="" type="checkbox"/> Continuous Airworthiness Maintenance Program (Required for Ten-or-More PAX optional for other operations)	<input type="checkbox"/>
	<input type="checkbox"/> Operations Manual/Revisions	<input type="checkbox"/>	<input type="checkbox"/> Approved Icing Procedures/revision	<input type="checkbox"/>

1.3 SCHEDULE OF EVENTS If an event or item is applicable please enter your estimated date otherwise leave blank.	PHASE 1 DOCUMENT COMPLIANCE		PHASE 2 DEMONSTRATION INSPECTION	
	EVENT	DATE	EVENT	DATE
	Deviation Request (For Proving Test flights)		Pilot training	
	Pilot Training Program/revision		Maintenance training	
	Maintenance Training Program		FAA Conformity Inspection	
	Proving Test or Validation Plan		Proving Test Flights	
	Final Compliance Statement		Proficiency/Flight Checks	
	Insurance Registration with AFS-260, using OST Forms 4507 and 6410 (see cover letter) NOTE: After initial certification, the date may be up to 30 days after adding an additional aircraft		Validation Test Flights	
	PHASE 3 FAA CERTIFICATION and/or OPS SPECS		PROPOSED COMPLETION DATE	

1.4 CONTACT INFORMATION	NAME		PHONE & EMAIL ADDRESS	
	Director of Maintenance	Noel Allen Blevins	Phone:	(266)-389-3241
			EMAIL:	noel@alphajet.com
			FAX:	(256)-389-3249
	Director of Operations	John Morrison	Phone:	(256)-389-3241
			EMAIL:	jrm@alphajet.com
			FAX:	(256)-389-3249

Submitted by (signature): Noel Allen Blevins Title: DOM Date: 5/5/0

SECTION 2 REQUEST FOR OPERATIONS SPECIFICATIONS FOR THIS AIRCRAFT

2.1 INTENDED KINDS OF OPERATIONS:	Cargo Only (Never Passengers) YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Maximum Passenger Seating Capacity 12	Day Only YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Day/Night YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
---	---	--	---	--

2.2 AIRCRAFT OPERATIONS	<p>INSTRUCTIONS</p> <p>1. If you want an operation described below, check the box to the left of its description.</p> <p>2. Then, look to see if it appears to be different from the operation under "Procedures" and/or "Training/Manual" and review your operating procedures and training manual and prepare to show proficiency as indicated. The FAA will provide any guidance you request.</p>	Document Requirements	Procedures Training/ Manual									
	<p>2.2.1 PART A GENERAL</p>											
CREW	<input type="checkbox"/> Conduct certain FAR 135 operations in accordance with flight and rest time limitations under 14 CFR Sections 135.261 through 135.273.			A03								
	<input checked="" type="checkbox"/> Make arrangements with training centers and other organizations for certificate holder training in accordance with 14 CFR Section 135.324. If applicable, provide the FAR 142 Training Center Information below or attach a list with the indicated information.			A03								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">Name</th> <th style="width: 20%;">Certificate number</th> <th style="width: 30%;">Address</th> <th style="width: 30%;">Course name(s)</th> </tr> <tr> <td> Flight Safety Intl. SimuLite </td> <td> F96W394 1FYX 291K </td> <td> K9555 Ryan Ave Doral DC HIP-142 2929 W. Airtouch Dr DFW Airport TX 75261 </td> <td> CL 600 </td> </tr> </table>	Name	Certificate number	Address	Course name(s)	Flight Safety Intl. SimuLite	F96W394 1FYX 291K	K9555 Ryan Ave Doral DC HIP-142 2929 W. Airtouch Dr DFW Airport TX 75261	CL 600			A03
	Name	Certificate number	Address	Course name(s)								
Flight Safety Intl. SimuLite	F96W394 1FYX 291K	K9555 Ryan Ave Doral DC HIP-142 2929 W. Airtouch Dr DFW Airport TX 75261	CL 600									
<input type="checkbox"/> Use an approved computer-based flight Crew recordkeeping system for FAR 135 operations			A02									
<input type="checkbox"/> Use an autopilot in lieu of a second-in-command. Provide the following Autopilot Make/Model _____ Date Installed _____			A04									
ICING	<input type="checkbox"/> Please furnish a copy (cover page only) of the Flight Manual Supplement that identifies the aircraft and the autopilot.			A04								
	<input type="checkbox"/> Unless the autopilot is aircraft manufacturer installed, please furnish a copy of the FAA Form 337 showing the installation data.			A04								
SPECIAL OPERATIONS	<input type="checkbox"/> Conduct a pretakeoff contamination check during ground icing conditions for Part 135 Operators.			A04								
	<input type="checkbox"/> Conduct Part 135 airplane operations without a deicing/anti-icing procedure.			A04								
	<input checked="" type="checkbox"/> Determine ground icing conditions for the purpose of flight [using an approved deicing/anti-icing procedure IAW CFR Section 135.227(b)(3)].			A02								
	<input checked="" type="checkbox"/> Conduct airplane air ambulance operations Part 135.			A02								
	<input type="checkbox"/> Conduct Land and Hold Short Operations (LAHSO) at designated airports and specified runway configurations as identified by Air Traffic Services in Notice 7110.11B, Appendix 1.			A04								
	<input type="checkbox"/> Conduct Single Engine IFR (SEIFR) Passenger-Carrying Operations Under CFR Part 135.			A04								
	<input checked="" type="checkbox"/> Conduct special en route IFR operations in Class G airspace.			A01								

SECTION 2 REQUEST FOR OPERATIONS SPECIFICATIONS FOR THIS AIRCRAFT (continued)

INSTRUCTIONS 1. If you want an operation described below, check this box to the left of the description. 2. Then, look to see if a "Y" appears to the right of the operation under "Procedures" and/or "Training/ Skill" and revise your operating procedures and training manual and prepare to show proficiency as indicated. The SDO will provide any guidance you request.		Documentation Requirements	Procedures Training/ Skill	OPS Req. Env.		
2.2.2 PART B ENROUTE						
2.2 AIRCRAFT OPERATIONS continued	<input checked="" type="checkbox"/>	IFR en route operations.		Y	B05	
	Class I Nav- igation	<input checked="" type="checkbox"/>	Using an area navigation system certified under one or more of the following Advisory Circulars: AC 90-45A, 20-101C, 20-121A, 20-130A, 20-138.	Y	B05	
		<input checked="" type="checkbox"/>	In the U.S. Class A airspace using an area or long-range navigation system.	Y	B05	
	Class II Nav- igation	<input checked="" type="checkbox"/>	Conduct using (dual) long-range navigation systems.	Complete Section 3.2.1 AREA or Long Range NAV Systems: For these Operations Specifications	Y	B05
		<input checked="" type="checkbox"/>	Conduct operations in Central East Pacific (CEP) airspace.		Y	B05
		<input checked="" type="checkbox"/>	Conduct operations in North Pacific (NOPAC) airspace.		Y	B05
		<input checked="" type="checkbox"/>	Conduct operations in North Atlantic minimum navigation performance specifications (NAT/MNPS) airspace.		Y	B05
		<input checked="" type="checkbox"/>	Conduct operations in areas of magnetic unreliability.		Y	B05
		<input type="checkbox"/>	Conduct using single long-range navigation system (S-LRNS).		Y	B05
	<input type="checkbox"/>	Conduct extended overwater operations using a single long-range communication system (S-LRCS).		Y	B05	
Complete Section 3.2.2 Long-Range Communications System(s) (LRCS) For these Operations Specifications		Y	B05			
RVSM	<input checked="" type="checkbox"/>	Conduct operations in reduced vertical separation minimum (RVSM) airspace.		Y	B05	
2.3 AREAS OF OPERATION	Operations Outside the Contiguous United States. (If yes, please list each country and oceanic area of operation)			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	B050
	Enter "No change to B50" if appropriate					

SECTION 2 REQUEST FOR OPERATIONS SPECIFICATIONS FOR THIS AIRCRAFT (continued)

	INSTRUCTIONS 1. If you want an operation described below, check the box to the left of its description. 2. Then, look to see if a "V" appears to the right of the operation under "Procedures" and/or "Training/Skill" and review your operating procedures and training manual and prepare to show proficiency as indicated. The ESO will provide any guidance you require.	Document Requirements	Procedures		OPS Ref
			Training	Skill	
	<input checked="" type="checkbox"/> Conduct terminal instrument operations using specific procedures and landing minima for airplanes.		✓	✓	CO5
	<input checked="" type="checkbox"/> Conduct Basic Instrument Approach procedure authorizations – all airports		✓	✓	CO5
	<input type="checkbox"/> Conduct straight-in Category I approach procedures other than ILS, MLS, or GPS with specific IFR landing minimums for airplanes at all airports.		✓	✓	CO5
	<input type="checkbox"/> Conduct IFR approach procedures using special IFR landing minimums for airplanes.		✓	✓	CO5
	<input checked="" type="checkbox"/> Use IFR Takeoff Minimums, FAR 135 Airplane Operations - All Airports.		✓	✓	CO5
	<input type="checkbox"/> Conduct foreign terminal instrument procedures with special restrictions for airplanes.		✓	✓	CO5
RNAV	<input type="checkbox"/> Conduct airplane operations using published RNAV (VOR/DME) instrument approach procedures with an area navigation system. Complete Section 3.2.1 AREA or Long Range NAV Systems: For these Operations Specifications		✓	✓	CO5
	<input type="checkbox"/> Conduct nonscheduled passenger and/or all-cargo, special terminal area IFR airplane operations in Class G airspace and at airports without an operating control tower.		✓	✓	CO5
	<input type="checkbox"/> Use powerplant reversing systems for rearward taxi in specific airplane operations.		✓	✓	CO5
	<input type="checkbox"/> Conduct turbojet airplane operations with tailwind components in excess of 10 knots but not to exceed 15 knots.		✓	✓	CO5
	<input checked="" type="checkbox"/> Conduct turbojet airplane takeoff operations with tailwind components of 10 knots or less.		✓	✓	CO5
	<input type="checkbox"/> Engage the autopilot after takeoff and initial climb at an altitude lower than specified for en route operations by Title 14 CFR Section 135.93 (a).		✓	✓	CO5
	<input type="checkbox"/> Conduct engine-out departure procedures with approved 10-minute takeoff thrust time limits.		✓	✓	CO5
VNAV	<input type="checkbox"/> Conduct IFR airplane approach procedures using vertical navigation (VNAV) utilizing a published MDA as a DA(H). Complete Section 3.2.1 AREA or Long Range NAV Systems: For these Operations Specifications		✓	✓	CO5
	<input checked="" type="checkbox"/> Conduct airplane Category I, ILS, MLS, or GLS approach procedures with specific IFR landing minimums.		✓	✓	CO5
	<input checked="" type="checkbox"/> Conduct airplane circle-to-land approach maneuvers using IFR Category I landing minimums.		✓	✓	CO5
	<input checked="" type="checkbox"/> Conduct airplane contact approaches using IFR Category I landing minimums.		✓	✓	CO5
	<input checked="" type="checkbox"/> Conduct certain Part 135 turbojet operations in the terminal area using visual flight rules.		✓	✓	CO5
	<input checked="" type="checkbox"/> Conduct takeoffs in weather minimums below Category I takeoff minimums for FAR 135 airplane operations.		✓	✓	CO5

2.4
PART C
TERMINAL AREA
OPERATIONS

SECTION 2 REQUEST FOR OPERATIONS SPECIFICATIONS FOR THIS AIRCRAFT (continued)

INSTRUCTIONS: 1. If you want an operation described below, check the box to the left of the description. 2. Then, look to see if a "Y" appears to the right of the operation under "Procedures", "AAIP", "RVSM", "MEL", or "NINE OR LESS PAX SEATS". If a "Y" appears, you are operating under the procedures and training manual and prepare to show proficiency as indicated. The FAA will provide any guidance you request.		Document Requirements	Procedures	Training Manual	OPSS Ref
28 PART D MAINTENANCE PROGRAM	CAMP 135.411(a)(2) and 135.423	<input checked="" type="checkbox"/> Conduct continuous airworthiness maintenance programs. (CAMP) (required for 10-or-more operators, optional for all others).	✓	✓	D072
		<input type="checkbox"/> Use the provisions of contractual agreements limited to specific maintenance functions.	✓	✓	D078
		<input type="checkbox"/> Conduct ferry flights under special flight permits with continuing authorization.	✓	✓	D084
		<input checked="" type="checkbox"/> Use maintenance time limitations for operators without a reliability program.	✓	✓	D088
	AAIP 135.418	<input type="checkbox"/> Use an approved aircraft inspection program (AAIP). (required for turbine powered multi-engine aircraft, optional for others)	✓	✓	D074
	RVSM	<input type="checkbox"/> Use an approved maintenance program for listed airplanes used in operations in designated RVSM airspace.	✓	✓	D092
	MEL 135.179	<input checked="" type="checkbox"/> Use an approved minimum equipment list (MEL). Inoperable instruments and equipment:	✓	✓	D094
	NINE OR LESS PAX SEATS 135.411(a)(1)	<input type="checkbox"/> Annual & 100 Hour Inspections FAR Parts 91.409(a) & (b)			D100
		<input type="checkbox"/> Progressive Inspections FAR Part 91.409(d)	✓	✓	D102
		<input type="checkbox"/> Manufacturers Program FAR 91.409 (f3)			D104
		<input type="checkbox"/> Additional maintenance requirements of 14 CFR Section 135.421 applicable for aircraft engine, propeller, and propeller control (governor).			
		<input type="checkbox"/> Additional maintenance requirements of 14 CFR Section 135.421 applicable for single engine IFR.			
		<input type="checkbox"/> Additional maintenance requirements of 14 CFR Section 135.421 applicable for emergency equipment.			



SECTION 2 REQUEST FOR OPERATIONS SPECIFICATIONS FOR THIS AIRCRAFT (continued)

	INSTRUCTIONS 1. If you want an operation described below, check the box to the left of its description. 2. Then, look to see if it appears to be right for the operation under procedures and/or training skills and revise your operating procedures and training manuals and prepare to show proficiency as indicated. This SPC will provide any guidance you request.	Document Requirements	Procedures		OPS RM Part
			training	kill	
<input checked="" type="checkbox"/>			✓	✓	A01
<input type="checkbox"/>	Use An Approved Security Program In Helicopter Operations. (to Deplane PAX in sterile areas)		✓	✓	A02
<input type="checkbox"/>	Conduct helicopter air ambulance operations in accordance with CFR 14 Part 135.		✓	✓	A05
<input type="checkbox"/>	Conduct helicopter night vision goggle operations.				D09
<input type="checkbox"/>	Use an approved maintenance program for its helicopter night vision goggle operations.				G10
<input type="checkbox"/>	Use aircraft with nine or less passenger seats with the additional maintenance requirements of 14 CFR Section 135.421 applicable for rotorcraft operations.				H02
<input type="checkbox"/>	Conduct terminal flight operations under instrument flight rules - helicopter.				H03
<input type="checkbox"/>	Conduct operations using basic instrument approach procedures for helicopters.				H04
<input type="checkbox"/>	Conduct Category I IFR landings other than airborne radar approaches - helicopter.		✓	✓	H05
<input type="checkbox"/>	Conduct IFR helicopter en route descent (HEDA) procedures.				H06
<input type="checkbox"/>	Use alternate airport IFR weather minimums - helicopter.				H07
<input type="checkbox"/>	Conduct helicopter operations using standard takeoff minimums under Part 135.				H08
<input type="checkbox"/>	Use special restrictions for foreign terminal instrument procedures - helicopter.				H09
<input type="checkbox"/>	Conduct helicopter Category II operations.		✓	✓	H10
<input type="checkbox"/>	Conduct helicopter Category III operations.		✓	✓	H11
<input type="checkbox"/>	Use flight control guidance systems for aircraft automatic landing operations - helicopter.		✓	✓	H12
<input type="checkbox"/>	Use manually flown flight control guidance systems certified for aircraft landing operations - helicopter.		✓	✓	H13
<input type="checkbox"/>	Conduct helicopter approach operations using an area navigation system.		✓	✓	H14
<input type="checkbox"/>	Conduct nonscheduled passenger and all-cargo (scheduled and nonscheduled) special terminal area IFR rotorcraft operations in Class G airspace.		✓		H15
<input type="checkbox"/>	Use special airport authorizations, limitations, and provisions - helicopter.				H16
<input type="checkbox"/>	Conduct helicopter operations using lower than standard takeoff minimums under Part 135.				H17
<input type="checkbox"/>	Conduct helicopter Category I, ILS, MLS, or GLS approach procedures with specific IFR landing minimums.				H18
<input type="checkbox"/>	Conduct helicopter circle-to-land maneuvers using IFR Category I landing minimums.		✓	✓	H19
<input type="checkbox"/>	Conduct helicopter contact approaches using IFR Category I landing minimums.		✓	✓	H20
<input type="checkbox"/>	Conduct special non CFR Part 97 instrument approach or departure rotorcraft operations specified for the following airports.		✓	✓	H21

2.6
SPECIAL
OPERATIONS
SPECIFICA
TIONS FOR
HELICOPTERS

SECTION 2 REQUEST FOR OPERATIONS SPECIFICATIONS FOR THIS AIRCRAFT (continued)

NOTICE: PART NUMBERS AND DOCUMENT NUMBERS MUST BE COMPLETE AND ACCURATE.

2.7 ADDITIONAL REQUIRED AIRCRAFT INFORMATION For Operations under Part 135.411(a)(1) Only ("Nine-or-Less Operations")	AIRCRAFT: Enter the Aircraft maintenance publication (identification or part number) here:		Aircraft Maintenance Manual PSP 602	Maintenance Manual PSP 602	
			Revision level Revision 38		
			Date OCTOBER 2002		
	ITEM:	Make & Model	Maintenance Overhaul Report Number (Read Note 1)	Time in Service Interval or Part Number (Read Note 2)	TIME IN SERVICE INTERVAL
	ENGINE (Left or Single Engine)	Honeywell ALF-502L-2C	Report #72-07-06 Revision 31 OCT 2000	PSP 605 Rev 27 OCT 2002	2500 hr 2500 cy
	ENGINE (Right if applicable)	" "	" "	" "	" "
	PROPELLER (Left or Single Engine)				
	PROPELLER (Right if applicable)				
	PROPELLER GOVERNOR (Left or Single Engine)				
	PROPELLER GOVERNOR (Right if applicable)				
PRIMARY GOVERNOR					
OVERSPEED GOVERNOR					

NOTE 1. Please enter the exact name and identification or part number of the publication(s), including revision level, under which the item will be maintained (normally these are the airframe and the engine, propeller, and governor service manuals).

NOTE 2. Please identify the manufacturer's publication(s) by exact number and title that specify the overhaul/replacement time, or time-in-service interval for the item. This is often a service bulletin.

2.8 MAINTENANCE HISTORY	Before this application the aircraft was maintained under the following maintenance/inspection program: (Please check)			
	FAR Parts 43, 91 and 91.409	<input type="checkbox"/> (a) Annual Inspections <input type="checkbox"/> (b) 100 Hour Inspections <input type="checkbox"/> (d) Progressive Inspections, or Air Carrier's Program Manufacturers Program Other Approved Program <input type="checkbox"/> (f1) or <input type="checkbox"/> (f2) <input checked="" type="checkbox"/> (f3) or <input type="checkbox"/> (f4)		
2.9 PRIMARY MAINTENANCE BASE	Location of the aircraft records and, if applicable,* the office of the Director Of Maintenance *Optional for Single Pilot and Single Pilot-in-Command Operators		Platinum Jet Management Hangar 70, EXECUTIVE Airport Ft. Lauderdale FL 33309	

SECTION 2 REQUEST FOR OPERATIONS SPECIFICATIONS FOR THIS AIRCRAFT (continued)

2.10 MAJOR ALTERATIONS

A/C Make/Model CL 600 1411
Registration N 370 V

LIST ALL MAJOR ALTERATIONS THAT CURRENTLY APPLY TO THE AIRCRAFT;
use additional copies of this page as needed.

DATE 327 block 7	Instructions by Continued Airworthiness			Brief Description of the Major Alteration	
	YES	NO	NO		
29 Sep 2001	YES	NO	NO	Cabin interior Re-furbishment	CIMMS
13 May 1982	NO	NO	NO	Ceiling Bolly Straps Light Installation	CIM
19 OCT 1981	NO	NO	NO	Original Interior Outfitting Items	CIMMS
21 OCT 1981	NO	NO	YES	Approval for GNS 500B Installation IAW STCSN 451	
21 OCT 1981	NO	NO	NO	Original Interior Outfitting Items	CIMMS
21 OCT 1981	NO	NO	NO	Original Outfitting Avionics Installation, ELT	CIMMS
21 OCT 1981	NO	NO	NO/YES	Original Air Data SSD by RUSM Inst.	CIMMS
21 OCT 1981	NO	NO	NO	Long Range Nav Install original, Outfitting	CIMMS
21 OCT 1981	NO	NO	NO	Original Interior Lighting Outfitting	CIMMS
21 OCT 1981	NO	NO	NO	GNS 500 Installation, Outfitting	CIMMS
21 OCT 1981	NO	NO	NO	Direction Gyro, Original, Outfitting	CIMMS
21 OCT 1981	NO	NO	NO	Radar Indicator Mod, Original outfitting	

2.11 PRESSURE CYLINDERS AND SPHERES

List all Pressure Cylinders and Spheres installed as Aircraft Equipment
Please refer to HBAW 02-01, July 16, 2002, (or later revision) for details.

Part Number	Description of Part Name	Manufacturer's Maintenance Document	Applicable Limitations and provision including current due dates.	
600-65901-1	Engine Fire Bottle	CL 600 Component Manual PSP	608 Times Tested	Hydro due 5/08
600-65901-1	Engine Fire Bottle	REV 50 Dated 8/4/03	on CIMMS	Hydro due 5/06
600-65904-1	APU Fire Bottle	For all Airframe Mounted	Per CAMP	Hydro due 5/08
900-700-035-33	Long Range O ₂	Pressure Bottles	on all	Hydro due 12/08
900-700-035-33	Long Range O ₂	" " "	Bottles	Hydro due 12/04

A/C Make/Model CL 600 1A11
Registration N 370V

[illegible]

List all Pressure Cylinders and Spheres installed as Aircraft Equipment
Please refer to HBAW 02-01, July 16, 2002, (or later revision) for details.

[illegible]

SECTION 3 AIRCRAFT COMPLIANCE STATEMENT FOR 135 OPERATION:

3.1 ALL AIRCRAFT		AC Make/Model <i>CL 600 1411</i>	
		Registration <i>N 370 V</i>	

INSTRUCTIONS FOR SECTION 3:

- Please refer to FAR 135 Subpart C Aircraft and Equipment, and Far 91 as applicable, for the specific requirements of the item listed below
- Check the box ☒ next to the item to indicate that it meets the requirements of the rule.
- Provide all additional information indicated.

3.1.1 General requirements	135.143	<input checked="" type="checkbox"/> (a) For each item installed, the applicant certifies that the equipment meets the applicable Federal Aviation Regulations. Indicate items that do not apply by "NA." <input checked="" type="checkbox"/> (b) All equipment not originally installed by the aircraft manufacturer meets FAA approved data show FAA Form(s) 337 which are listed in Section 2.10 of this form and are available for inspection by the FSDO.													
3.1.2 ATC Transponders		<table border="1"> <thead> <tr> <th>Make/Model</th> <th>Date Installed</th> </tr> </thead> <tbody> <tr> <td><i>Bendix MST-67A</i></td> <td><i>29 Sep 2001</i></td> </tr> <tr> <td><i>Bendix MST-67A</i></td> <td><i>29 Sep 2001</i></td> </tr> </tbody> </table>	Make/Model	Date Installed	<i>Bendix MST-67A</i>	<i>29 Sep 2001</i>	<i>Bendix MST-67A</i>	<i>29 Sep 2001</i>							
Make/Model	Date Installed														
<i>Bendix MST-67A</i>	<i>29 Sep 2001</i>														
<i>Bendix MST-67A</i>	<i>29 Sep 2001</i>														
3.1.3 Equipment requirements: General	135.144	<input type="checkbox"/> List all portable electronic devices intended to be used by the Flight Crew <i>N/A</i>													
	135.147	<input checked="" type="checkbox"/> Dual controls are installed													
	135.149	<input checked="" type="checkbox"/> (a) Altimeter(s): Sensitive & adjustable for barometric pressure <input type="checkbox"/> (b) Carburetor: Heated/Deice or <input type="checkbox"/> Pressure Carburetor; Alternate air source <input checked="" type="checkbox"/> (c) For Turbojet airplanes: Third artificial horizon installed according to FAR 121.305(f)													
3.1.4 Performance requirements:	135.181	<input type="checkbox"/> Aircraft operated over-the-top or in IFR conditions													
	135.183	<input type="checkbox"/> Land aircraft operated over water.													
3.1.5 Empty weight and center of gravity:	135.185	Currency requirement: For multiengine aircraft: Date Last Weighed: <i>08/20/2002</i>													
3.1.6 Emergency Equipment	135.155	FIRE EXTINGUISHERS <table border="1"> <thead> <tr> <th>Make/Model</th> <th>Maintenance Document</th> <th>Aircraft Location</th> </tr> </thead> <tbody> <tr> <td><i>Amerex</i></td> <td><i>NEPA #10</i></td> <td><i>FWO Cabin</i></td> </tr> <tr> <td><i>Amerex</i></td> <td><i>NEPA #10</i></td> <td><i>AFT Cabin</i></td> </tr> </tbody> </table>		Make/Model	Maintenance Document	Aircraft Location	<i>Amerex</i>	<i>NEPA #10</i>	<i>FWO Cabin</i>	<i>Amerex</i>	<i>NEPA #10</i>	<i>AFT Cabin</i>			
Make/Model	Maintenance Document	Aircraft Location													
<i>Amerex</i>	<i>NEPA #10</i>	<i>FWO Cabin</i>													
<i>Amerex</i>	<i>NEPA #10</i>	<i>AFT Cabin</i>													
	91.205 (b)(12)	APPROVED PERSONAL FLOATATION GEAR Note: This equipment is required for operations in coastal areas. It need not meet 435.157. <table border="1"> <thead> <tr> <th>Make/Model</th> <th>No. Installed</th> <th>one for each</th> </tr> </thead> <tbody> <tr> <td><i>East Coast Aeromarine</i></td> <td></td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table>		Make/Model	No. Installed	one for each	<i>East Coast Aeromarine</i>		<input checked="" type="checkbox"/>						
Make/Model	No. Installed	one for each													
<i>East Coast Aeromarine</i>		<input checked="" type="checkbox"/>													
	91.207	Emergency Locator Transmitter <table border="1"> <thead> <tr> <th>Make/Model</th> <th>ELT Type</th> <th>Dual Frequency</th> <th>FAA Number</th> </tr> </thead> <tbody> <tr> <td><i>Pointer 3000</i></td> <td></td> <td><input checked="" type="checkbox"/></td> <td><i>C91</i></td> </tr> </tbody> </table>		Make/Model	ELT Type	Dual Frequency	FAA Number	<i>Pointer 3000</i>		<input checked="" type="checkbox"/>	<i>C91</i>				
Make/Model	ELT Type	Dual Frequency	FAA Number												
<i>Pointer 3000</i>		<input checked="" type="checkbox"/>	<i>C91</i>												
3.1.7 Oxygen Equipment	135.157	<input checked="" type="checkbox"/> Meets all requirements													
3.1.8 Passenger carrying under VFR at night or VFR over-the-top conditions	135.159	<table border="1"> <tbody> <tr> <td> <input checked="" type="checkbox"/> (a) Gyroscopic Rate-of-Turn Indicator <input checked="" type="checkbox"/> (b) Slip skid Indicator <input checked="" type="checkbox"/> (c) Gyroscopic bank-and-pitch Indicator <input checked="" type="checkbox"/> (d) Gyroscopic direction Indicator </td> <td> <input checked="" type="checkbox"/> (e) Generators meeting FAR specific (f) For Night Flight Authorization <input checked="" type="checkbox"/> Anti collision light system <input checked="" type="checkbox"/> Instrument lights <input checked="" type="checkbox"/> 2 "D" Cell flashlight or equivalent </td> </tr> </tbody> </table>		<input checked="" type="checkbox"/> (a) Gyroscopic Rate-of-Turn Indicator <input checked="" type="checkbox"/> (b) Slip skid Indicator <input checked="" type="checkbox"/> (c) Gyroscopic bank-and-pitch Indicator <input checked="" type="checkbox"/> (d) Gyroscopic direction Indicator	<input checked="" type="checkbox"/> (e) Generators meeting FAR specific (f) For Night Flight Authorization <input checked="" type="checkbox"/> Anti collision light system <input checked="" type="checkbox"/> Instrument lights <input checked="" type="checkbox"/> 2 "D" Cell flashlight or equivalent										
<input checked="" type="checkbox"/> (a) Gyroscopic Rate-of-Turn Indicator <input checked="" type="checkbox"/> (b) Slip skid Indicator <input checked="" type="checkbox"/> (c) Gyroscopic bank-and-pitch Indicator <input checked="" type="checkbox"/> (d) Gyroscopic direction Indicator	<input checked="" type="checkbox"/> (e) Generators meeting FAR specific (f) For Night Flight Authorization <input checked="" type="checkbox"/> Anti collision light system <input checked="" type="checkbox"/> Instrument lights <input checked="" type="checkbox"/> 2 "D" Cell flashlight or equivalent														
3.1.9 VFR Radio and navigational equipment	135.161	<table border="1"> <thead> <tr> <th colspan="2">Make/Model</th> <th colspan="2">Make/Model</th> </tr> </thead> <tbody> <tr> <td>VHF COM:</td> <td><i>Collins RHF-22B</i></td> <td>0.33 KHz Spacing</td> <td><i>Collins DME-42</i></td> </tr> <tr> <td>VOR-1:</td> <td><i>Collins VIR-32</i></td> <td>FM Intensity</td> <td><i>Collins ADF-60</i></td> </tr> </tbody> </table>		Make/Model		Make/Model		VHF COM:	<i>Collins RHF-22B</i>	0.33 KHz Spacing	<i>Collins DME-42</i>	VOR-1:	<i>Collins VIR-32</i>	FM Intensity	<i>Collins ADF-60</i>
Make/Model		Make/Model													
VHF COM:	<i>Collins RHF-22B</i>	0.33 KHz Spacing	<i>Collins DME-42</i>												
VOR-1:	<i>Collins VIR-32</i>	FM Intensity	<i>Collins ADF-60</i>												

SECTION 3 AIRCRAFT COMPLIANCE STATEMENT FOR IFR OPERATIONS
(continued)

3.1 ALL AIRCRAFT (continued)		A/C Make/Model <u>CL 600 1A11</u>							
		Registration <u>N 370V</u>							
3.1.10 Passengers Under IFR	135.163	<input checked="" type="checkbox"/> (a) Vertical speed indicator <input checked="" type="checkbox"/> (b) Free air temperature indicator <input checked="" type="checkbox"/> (c) Heated pitot tube for each airspeed indicator <input checked="" type="checkbox"/> (d) Gyroscopic power source indicator or power failure warning indicator	<input checked="" type="checkbox"/> (e) Alternate static source <small>See Order 8340.1a chg 81, app 14, par 34-31 for example</small> <input type="checkbox"/> (f) Single-Engine aircraft <small>(Generator/alternator combination as specified)</small> <input type="checkbox"/> (g) Multi-engine aircraft <small>(two generators listed as specified)</small> <input type="checkbox"/> (h) Two independent sources of energy as specified to power gyroscopic instruments						
3.1.11 Radio and Navigational Equipment: IFR Operations	135.165	<table border="1"> <tr> <td>VHF COM 2</td> <td>Collins VHF-22B</td> <td>118.1 MHz</td> </tr> <tr> <td>VOR NAV 2</td> <td>Collins VIR-32</td> <td>FM</td> </tr> </table>	VHF COM 2	Collins VHF-22B	118.1 MHz	VOR NAV 2	Collins VIR-32	FM	<input checked="" type="checkbox"/> two microphones <input checked="" type="checkbox"/> Marker Beacon Receiver <input checked="" type="checkbox"/> two headsets or <input type="checkbox"/> one headset and one speaker
VHF COM 2	Collins VHF-22B	118.1 MHz							
VOR NAV 2	Collins VIR-32	FM							

3.2 RNAV AND EXTENDED OVERWATER OPERATIONS

		Radio and navigational equipment for Extended Overwater Operations Authorization											
3.2.1 AREA or Long Range NAV Systems:	135.165	1	Universal, UAS-1D Date Installed <u>29 Sep 2001</u>	<input checked="" type="checkbox"/> Flight Management System or <input type="checkbox"/> NAV Management System <input type="checkbox"/> Loran C <input type="checkbox"/> GPS <input type="checkbox"/> INS/IRS <input type="checkbox"/> OTHER <input type="checkbox"/> SHORT-RANGE RNAV <input type="checkbox"/> VOR/DME or <input type="checkbox"/> DME/DME-FMS	<input checked="" type="checkbox"/> Enroute/Terminal <input checked="" type="checkbox"/> Non-Precision Approach <input checked="" type="checkbox"/> Remote/Oceanic <input type="checkbox"/> RNP TYPE(s) Time Limits <input type="checkbox"/> BRNAV <input type="checkbox"/> VNAV								
		2	Universal Uag-1D Date Installed <u>29 Sep 2001</u>	<input checked="" type="checkbox"/> Flight Management System or <input type="checkbox"/> NAV Management System <input type="checkbox"/> Loran C <input type="checkbox"/> GPS <input type="checkbox"/> INS/IRS <input type="checkbox"/> OTHER <input type="checkbox"/> SHORT-RANGE RNAV <input type="checkbox"/> VOR/DME or <input type="checkbox"/> DME/DME-FMS	<input checked="" type="checkbox"/> Enroute/Terminal <input checked="" type="checkbox"/> Non-Precision Approach <input checked="" type="checkbox"/> Remote/Oceanic <input type="checkbox"/> RNP TYPE(s) Time Limits <input type="checkbox"/> BRNAV <input type="checkbox"/> VNAV								
		3	Sutton, LTN-91 Date Installed <u>OCT 1981</u>	<input type="checkbox"/> Flight Management System or <input type="checkbox"/> NAV Management System <input type="checkbox"/> Loran C <input type="checkbox"/> GPS <input checked="" type="checkbox"/> INS/IRS <input type="checkbox"/> OTHER <input type="checkbox"/> SHORT-RANGE RNAV <input type="checkbox"/> VOR/DME or <input type="checkbox"/> DME/DME-FMS	<input type="checkbox"/> Enroute/Terminal <input type="checkbox"/> Non-Precision Approach <input type="checkbox"/> Remote/Oceanic <input type="checkbox"/> RNP TYPE(s) Time Limits <input type="checkbox"/> BRNAV <input type="checkbox"/> VNAV								
		4	Collins, 671-4 Date Installed <u>OCT 81</u>	<input checked="" type="checkbox"/> HF <input type="checkbox"/> SAT/COM <input type="checkbox"/> DATALINK <input type="checkbox"/> OTHER	<input type="checkbox"/> Enroute/Terminal <input type="checkbox"/> Non-Precision Approach <input type="checkbox"/> Remote/Oceanic <input type="checkbox"/> RNP TYPE(s) Time Limits <input type="checkbox"/> BRNAV <input type="checkbox"/> VNAV								
3.2.2 Long-Range Communications System(s) (LRCS)		1	Collins, 671-4	<input checked="" type="checkbox"/> HF <input type="checkbox"/> SAT/COM <input type="checkbox"/> DATALINK <input type="checkbox"/> OTHER	OCT 81								
		2	Collins, 671-4	<input checked="" type="checkbox"/> HF <input type="checkbox"/> SAT/COM <input type="checkbox"/> DATALINK <input type="checkbox"/> OTHER	OCT 81								
		3	/	<input type="checkbox"/> HF <input type="checkbox"/> SAT/COM <input type="checkbox"/> DATALINK <input type="checkbox"/> OTHER									
3.2.3 Airworthiness and Operating Limitations		For each item listed above in sections 3.2.1, and 3.2.2 provide the following: <input type="checkbox"/> Copies of the portions of the installation approval documents (original Equipment List or FAA Form 31 and <input type="checkbox"/> Flight Manual Supplements that show the make and model of the equipment and approval for the requested operation. Contact the FSDO if there are any questions.											
3.2.4 Emergency equipment extended overwater operations	135.167	<input checked="" type="checkbox"/> (a) The following are conspicuously marked and easily accessible to the occupants if ditching occurs <table border="1"> <tr> <td>Life Preserver with Light for each occupant</td> <td>EAM</td> <td>1 KSE-35L8</td> <td>25-60-7 Rev 5</td> </tr> <tr> <td>Life rafts as specified in 135.167(b) & (c).</td> <td>EAM</td> <td>1 EAMT-12</td> <td>25-60-21 Rev 1</td> </tr> </table>				Life Preserver with Light for each occupant	EAM	1 KSE-35L8	25-60-7 Rev 5	Life rafts as specified in 135.167(b) & (c).	EAM	1 EAMT-12	25-60-21 Rev 1
Life Preserver with Light for each occupant	EAM	1 KSE-35L8	25-60-7 Rev 5										
Life rafts as specified in 135.167(b) & (c).	EAM	1 EAMT-12	25-60-21 Rev 1										

SECTION 3 AIRCRAFT COMPLIANCE STATEMENT FOR 135 OPERATIONS (continued)

PLEASE COMPLETE THIS PAGE ONLY IF APPLICABLE.

3.3 TURBINE-POWERED, TURBOJET, AND/OR TEN-OR-MORE PASSENGER AIRCRAFT.

A/C Make/Model *CL 600 (AEL)*

Registration *N 370 V*

3.3.1 Proving Test Flights	135.145	<input checked="" type="checkbox"/> NOT REQUIRED	<input type="checkbox"/> REQUIRED	<input type="checkbox"/> Proving test plan is scheduled on page 1-1 <input type="checkbox"/> Proving tests are scheduled on page 1-1 <input type="checkbox"/> Request for deviation is scheduled on page 1-1
3.3.2 Additional Equipment Requirements	135.150	<input type="checkbox"/> Public address and crewmember interphone systems		
	135.151	<input checked="" type="checkbox"/> Cockpit Voice Recorders	<i>Sundstrand 980-60500</i>	<i>OCT</i>
	135.151(d)	<input type="checkbox"/> Dual Headsets/Boom Mics		
	135.152	<input checked="" type="checkbox"/> Flight Recorders	<i>Lockheed 319</i>	<i>OCT 8</i>
	135.153	<input type="checkbox"/> Ground Proximity Warning System		
	135.154	<input checked="" type="checkbox"/> Terrain Awareness & Warning System (TAWS) <input type="checkbox"/> Class A <input checked="" type="checkbox"/> Class B	<i>Universal TAWS</i>	<i>Sep 20</i>
3.3.3 Additional Airworthiness Requirements	135.158	<input checked="" type="checkbox"/> Pitot heat indication systems		
	135.169	<p>(a) For all large airplanes (more than 12,500 pounds, maximum certificated takeoff weight): The aircraft <input type="checkbox"/> is a commuter category airplane, or <input type="checkbox"/> meets the additional requirements of FAR 121.213 through 121.283, and 121.307: (SEE NOTE)</p> <p>(b) For Reciprocating-engine airplanes configured for ten-or-more passengers or For Turbopropeller-powered Small Airplanes configured for ten-or-more passengers: <input type="checkbox"/> meets all applicable conditions specified in 135.169(b) (SEE NOTE)</p> <p>NOTE: Applicants must attach a conformity statement showing compliance with additional rules indicated in the applicable paragraph above.</p> <p>(c) For all ten-or-more small airplanes state the maximum Passenger seating configuration _____</p> <p>(d) Cargo or baggage compartments: All transport category airplanes type certificate after January 1, 1958. <input type="checkbox"/> each class C or D cargo compartments is not greater than 200 cubic ft in volume, or <input type="checkbox"/> meets all applicable conditions specified in this 135.169(d)</p>		
	135.170	<input checked="" type="checkbox"/> Materials for compartment interiors <i>certificates on file</i>		
	135.171	<input checked="" type="checkbox"/> Shoulder harness installation at flight crewmember stations		
	135.173	<input type="checkbox"/> Airborne thunderstorm detection equipment requirements		
	135.175	<input checked="" type="checkbox"/> Airborne weather radar equipment requirements	<i>Sperry Primus 800</i>	<i>Oct</i>
	135.177	<input type="checkbox"/> Emergency equipment requirements for aircraft having a passenger seating configuration of more than 19 passengers		
	135.180	<input checked="" type="checkbox"/> Traffic Alert and Collision Avoidance System	<i>Bendix/King 67A</i>	<i>Sep 20</i>
		<input type="checkbox"/> TCAS I <input checked="" type="checkbox"/> TCAS II TCAS II Software Version 7 or higher? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

SECTION 4 FAR 135 AIRWORTHINESS CHECKLIST

We suggest you use this checklist frequently and especially before presenting the aircraft to the FAA for inspection or before an FAA check ride.

A/C Make and Model *CL600 1A11*

Registration *N370U*

CHECK THE BOX TO INDICATE COMPLIANCE.

INSPECTION ITEM
<input checked="" type="checkbox"/> Check If the item meets all applicable FAR Requirements
GENERAL SAFETY
<input checked="" type="checkbox"/> The Registration Certificate is on board and current.
<input checked="" type="checkbox"/> The Airworthiness Certificate is on board and current.
<input checked="" type="checkbox"/> The Radio Station License is on board and current.
OPERATIONAL REQUIREMENTS
<input checked="" type="checkbox"/> FAA Approved Aircraft Flight Manual (AFM) or Pilots Operating Handbook is current, complete, and in serviceable condition.
<input checked="" type="checkbox"/> AFM contains Flight Manual Supplements that are current and applicable to the installed Autopilot/Flight Director, Navigation equipment, and other installed equipment to which a Flight Manual supplement applies.
<input checked="" type="checkbox"/> All flight deck placards required by the Type Certificate or the AFM are secure and readable.
<input checked="" type="checkbox"/> The flight deck contains all operating manuals and/or placards required by TC, STC, or FAA Form 337a.
<input checked="" type="checkbox"/> All switches, circuit breakers, controls, etc., are properly labeled.
<input checked="" type="checkbox"/> AFM contains current weight and balance data, and all obsolete weight and balance data is superseded; or, for aircraft not requiring an AFM, the current weight and balance and equipment list is in the aircraft.
<input checked="" type="checkbox"/> AFM contains a current and complete equipment list.
<input checked="" type="checkbox"/> For multiengine aircraft, the AFM contains a weighing record showing the aircraft was weighed within the last three years. The record includes an equipment list, which describes the approved aircraft configuration at the time of weighing. The weighing record has the signature and certificate number of the person or agency doing the work and the date of completion.
DEFERRED MAINTENANCE REQUIREMENTS
<input checked="" type="checkbox"/> Aircraft Maintenance Log (14 CFR 135.65) contains no open Mechanical Irregularities.
<input checked="" type="checkbox"/> Minimum Equipment List is on board and current.
<input checked="" type="checkbox"/> Air Carrier Operations Manual is on board and current.
<input checked="" type="checkbox"/> Deferred Maintenance Log contains no items deferred beyond the time allowed in the MEL.
<input type="checkbox"/>

INSPECTION ITEM
<input checked="" type="checkbox"/> Check If the item meets all applicable FAR Requirements
GENERAL SAFETY
<input checked="" type="checkbox"/> All internal cabin placards required by the Type Certificate or the AFM are secure and readable.
<input checked="" type="checkbox"/> Passenger Briefing Cards meet 14 CFR 135 Requirements.
<input checked="" type="checkbox"/> Required emergency equipment is on board, properly stowed and inspected.
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
GENERAL AIRWORTHINESS
<input checked="" type="checkbox"/> The aircraft has the proper equipment and approval documentation required by 14 CFR 135 Sub-Part C. All equipment is operating properly.
<input checked="" type="checkbox"/> All external placards, required by the Type Certificate or the AFM, are secure and readable.
<input checked="" type="checkbox"/> All cowl fasteners, screws, etc., are secure.
<input checked="" type="checkbox"/> Antennas are free from erosion.
<input checked="" type="checkbox"/> ADF Sense antenna is under spring tension.
<input checked="" type="checkbox"/> All static wicks installed, none broken except as allowed under MEL. No bonding straps broken.
<input checked="" type="checkbox"/> The aircraft Make, Model and Serial Number data are on the outside of the fuselage.
<input checked="" type="checkbox"/> All instruments, systems and equipment are operating properly; the aircraft is airworthy and legal to fly.
<input type="checkbox"/>
MAINTENANCE RECORDS
<input checked="" type="checkbox"/> The maintenance records show that all airworthiness inspections are current including, Annual/100 hr or Programmed Inspection, Altimeter, Encoder, Static System, ATC Transponder, etc.
<input checked="" type="checkbox"/> All required maintenance, including maintenance of life-limited items, is current.
<input checked="" type="checkbox"/> The maintenance records include an Airworthiness Directive (AD) Listing showing that all ADs are complied with including Recurring ADs. The listing must comply with FAR 91.417(a)(1)(v).
<input type="checkbox"/>

I certify that, to the best of my knowledge, the information contained in this report is complete and accurate.

Ned ABBE

DOM

5/5/04

Director of Maintenance

Date

SECTION 4 FAR 135 AIRWORTHINESS CHECKLIST

We suggest you use this checklist frequently and especially before presenting the aircraft to the FAA for inspection or before an FAA check ride.

A/C Make and Model *Canadair* *CL 600 1A11*

Registration N 370 V

CHECK THE BOX TO INDICATE COMPLIANCE

INSPECTION ITEM	
<input checked="" type="checkbox"/>	Check if the item meets all applicable FAR Requirements
ADDITIONAL REQUIREMENTS	
<input checked="" type="checkbox"/>	The Registration Certificate is on board and current.
<input checked="" type="checkbox"/>	The Airworthiness Certificate is on board and current.
<input checked="" type="checkbox"/>	The Radio Station License is on board and current.
ADDITIONAL REQUIREMENTS	
<input checked="" type="checkbox"/>	FAA Approved Aircraft Flight Manual (AFM) or Pilots Operating Handbook is current, complete, and in serviceable condition.
<input checked="" type="checkbox"/>	AFM contains Flight Manual Supplements that are current and applicable to the installed Autopilot/Flight Director, Navigation equipment, and other installed equipment to which a Flight Manual supplement applies.
<input checked="" type="checkbox"/>	All flight deck placards required by the Type Certificate or the AFM are secure and readable.
<input checked="" type="checkbox"/>	The flight deck contains all operating manuals and/or placards required by TC, STC, or FAA Form 337s.
<input checked="" type="checkbox"/>	All switches, circuit breakers, controls, etc., are properly labeled.
<input checked="" type="checkbox"/>	AFM contains current weight and balance data, and all obsolete weight and balance data is superseded; or, for aircraft not requiring an AFM, the current weight and balance and equipment list is in the aircraft.
<input checked="" type="checkbox"/>	AFM contains a current and complete equipment list.
<input checked="" type="checkbox"/>	For multiengine aircraft, the AFM contains a weighing record showing the aircraft was weighed within the last three years. The record includes an equipment list, which describes the approved aircraft configuration at the time of weighing. The weighing record has the signature and certificate number of the person or agency doing the work and the date of completion.
ADDITIONAL REQUIREMENTS	
<input checked="" type="checkbox"/>	Aircraft Maintenance Log (14 CFR 135.65) contains no open Mechanical Irregularities
<input type="checkbox"/>	Minimum Equipment List is on board and current.
<input type="checkbox"/>	Air Carrier Operations Manual is on board and current.
<input checked="" type="checkbox"/>	Deferred Maintenance Log contains no items deferred beyond the time allowed in the MEL.
<input type="checkbox"/>	

INSPECTION ITEM	
<input checked="" type="checkbox"/>	Check if the item meets all applicable FAR Requirements
INTERNAL SAFETY	
<input checked="" type="checkbox"/>	All internal cabin placards required by the Type Certificate or the AFM are secure and readable.
<input checked="" type="checkbox"/>	Passenger Briefing Cards meet 14 CFR 135 Requirements.
<input checked="" type="checkbox"/>	Required emergency equipment is on board, properly stowed, and inspected.
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
EXTERNAL AIRWORTHINESS	
<input checked="" type="checkbox"/>	The aircraft has the proper equipment and approval documentation required by 14 CFR 135 Sub-Part C. All equipment is operating properly.
<input checked="" type="checkbox"/>	All external placards, required by the Type Certificate or the AFM, are secure and readable.
<input checked="" type="checkbox"/>	All cowl fasteners, screws, etc., are secure.
<input checked="" type="checkbox"/>	Antennas are free from erosion.
<input checked="" type="checkbox"/>	ADF Sense antenna is under spring tension.
<input checked="" type="checkbox"/>	All static wicks installed, none broken except as allowed under MEL. No bonding straps broken.
<input checked="" type="checkbox"/>	The aircraft Make, Model and Serial Number data are on the outside of the fuselage.
<input checked="" type="checkbox"/>	All instruments, systems and equipment are operating properly; the aircraft is airworthy and legal to fly.
<input type="checkbox"/>	
MAINTENANCE RECORDS	
<input checked="" type="checkbox"/>	The maintenance records show that all airworthiness inspections are current including, Annual/100 hr or Programmed Inspection, Altimeter, Encoder, Static System, ATC Transponder, etc.
<input checked="" type="checkbox"/>	All required maintenance, including maintenance of life limited items, is current.
<input checked="" type="checkbox"/>	The maintenance records include an Airworthiness Directive (AD) Listing showing that all ADs are complied with including Recurring ADs. The listing must comply with FAR 91.417(a)(4)(v)
<input type="checkbox"/>	

I certify that, to the best of my knowledge, the information contained in this report is complete and accurate.

Noel Allen Bl-

Director of Maintenance

5/5/04

Date _____

03/26/2007 12:55 0390551013

PAGE 05

FLANGE/STIFFENING PLATE/STUDS/STITCHES (17) (3)
 0.0000000000
 0.0000000000

REACTION POINT	WT	HEIGHT	AREA	MAC	MAC	MAC	REPORT NUMBER
							FW70103
							DATE: 20-Aug-02
1st WEIGHING							
LEFT MAIN (OTBD)	270443	5311	0	0	5311		
LEFT MAIN (INBD)	270448	6076	0	0	6076		
RIGHT MAIN (INBD)	270450	5311	0	0	5311		
RIGHT MAIN (OTBD)	270441	5703	0	0	5703		
TOTAL MAINS		22523	0	0	22523		
NOSE	270444	2210	0	0	2210		
TOTAL AS WEIGHED		24733	0	0	24733		
2nd WEIGHING							
LEFT MAIN (OTBD)	270443	5433	0	0	5433		
LEFT MAIN (INBD)	270448	6031	0	0	6031		
RIGHT MAIN (INBD)	270450	5307	0	0	5307		
RIGHT MAIN (OTBD)	270441	5701	0	0	5701		
TOTAL MAINS		22522	0	0	22522		
NOSE	270444	2212	0	0	2212		
TOTAL AS WEIGHED		24734	0	0	24734		
THE AVERAGE OF THE TWO WEIGHINGS						Ann	MOMENT
						INS	LB/INCH
LEFT MAIN (OTBD)	270443	5432.00	0.00	0.00	5432.00		
LEFT MAIN (INBD)	270448	6078.50	0.00	0.00	6078.50		
TOTAL LEFT MAINS		11,510.50	0.00	0.00	11,510.50	542.50	6,244,446.25
RIGHT MAIN (INBD)	270450	5,309.00	0.00	0.00	5,309.00		
RIGHT MAIN (OTBD)	270441	5,701.00	0.00	0.00	5,701.00		
TOTAL RIGHT MAINS		11,012.00	0.00	0.00	11,012.00	542.50	5,974,010.00
TOTAL MAINS		22,522.50	0.00	0.00	22,522.50		
NOSE	270444	2,211.00	0.00	0.00	2,211.00	227.90	503,894.90
TOTAL AVERAGE WT.		24,733.50	0.00	0.00	24,733.50	314.38	12,722,343.15
Deduction from Pg. 3.						0.00	0.00
Additions from Pg. 3						119.00	62,451.20
NEW BASIC EMPTY WT.						34,832.50	12,784,794.35
		AREA	LMAC	MAC	X	9MAC	
		314.40	422.03	92.69		285	

Exhibit G


Record of Telephone Conversation

Name: Noel Blevins
Address: Darby Aviation
Phone: 800-327-2924
Date: February 23, 2005
Description: Meeting At Darby Aviation, Muscle Shoals, AL

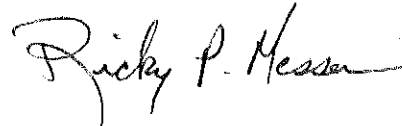
On February 23, 2005 at a meeting attended by myself and Ricky Messer (PMI Darby Aviation) representing the FAA and James Roberts, Dane Rheinschmidt, Noel Blevins, Stacy McCray and John Morrison (telephonic) representing Darby Aviation, a request for a copy of the most current copy of the weight and balance documents was made. Mr. Noel Blevins, maintenance manager for Darby Aviation stated that he and Mr. Bud Darby had seen the weight and balance for the aircraft dated in October or November of 2002. He stated that this was done when they were in FLL looking at the aircraft prior to adding it to their FAA Part 135 certificate. A review of the Birmingham FSDO office copy of the Notice Of Intent To Add An Aircraft indicated this procedure was accomplished on 8/20/2002.

I asked if they had a copy of this document and if they could recall who had completed this check. Mr. Blevins stated that the weight and balance documents were kept in the aircraft in a folder separate from the AFM. He also stated that this aircraft weighing had been accomplished in FLL at Platinum by Mr. Brian McKenzie who is also the RII for Darby Aviation at the present time.

He stated that Mr. McKenzie did not have a copy of the weight and balance documents as he had previously asked that they be produced after the accident in TEB.



Edward T. Jeszka
POI, Darby Aviation
Aviation Safety Inspector



Ricky Messer
PMI, Darby Aviation
Aviation Safety Inspector

Exhibit H

AIRCRAFT WEIGHING FORM

AIRCRAFT MODEL: BOMBARDIER CHALLENGER 600-1A11	SERIAL: 1030	REGISTRATION: N60S
REGISTERED OWNER: DDH AVIATION	DATE WEIGHED: 10-15-04	
ADDRESS: 2800 W. MOCKINGBIRD LANE	PLACE: FXE	
DALLAS TX. 75235	TACH: ACTT: 7358.5 HM:	

WEIGHING POINT	SCALE READING	TARE	NET WEIGHT	ARM	MOMENT
LEFT MAIN JACK	11,100.0	0	11,100.0	544.3	6,041,730.0
RIGHT MAIN JACK	10,980.0	0	10,980.0	544.3	5,976,414.0
NOSE/TAIL JACK	2,820.0	0	2,820.0	278.0	783,960.0
TOTAL AS WEIGHED	24,900.0	0	24,900.0	514.1	12,802,104.0
LESS USABLE FUEL (GAL)					
LESS USABLE FUEL (GAL)					
NEW AIRCRAFT BASIC TOTALS			24,900.0	514.1	12,802,104.0

NOTES

AIRCRAFT WEIGHED IN LEVEL FLIGHT ATTITUDE INSIDE HANGAR.
WEIGHED EMPTY FUEL AND FULL OILS WITH TWO CREW SEATS, A LEFT FORWARD STORAGE CLOSET, A RIGHT FORWARD GALLEY, EIGHT SINGLE PASSENGER SEATS, A LEFT AFT TABLE, A RIGHT AFT THREE PLACE BENCH SEAT, A RIGHT AFT DIVAN AND AFT LAVATORY INSTALLED.

SCALES MODEL JP50000-3	SERIAL M1477E	CALIBRATED ON: APRIL 16, 2004
NEW AIRCRAFT BASIC WEIGHT 24,900.0 LB.	NEW BASIC C.G. 514.1	IN.
AIRCRAFT GROSS WEIGHT 41,400.0 (RAMP) LB.	NEW USEFUL LOAD 16,500.0	LB.
WEIGHED BY <i>Amir F. Mohamed</i>	AIRFRAME LICENSE NO. 98724373	

Aviation Specialty Services Corp.

2241 Hammondville Rd.
Pompano Beach, FL 33062
Ph: 954-816-7399 • Fax: 954-960-0764
afmohamed@hotmail.com